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C O N F I D E N T I A L SECTION 01 OF 02 DHAKA 000916

SIPDIS

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TAGS: [PGOV](#) [PINR](#) [PINS](#) [KDEM](#) [PREL](#) [ASEC](#) [BG](#)

SUBJECT: COURT CLEARS WAY FOR TARIQUE RAHMAN'S RELEASE; GOB SCRAMBLES TO MAINTAIN INFLUENCE

REF: DHAKA 893

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Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b) and (d)

Summary  
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¶1. (C) The Caretaker Government's lengthy negotiations with former BNP Prime Minister Khaleda Zia regarding her and her son Tarique's release from prison have been overtaken by an activist High Court Bench which has removed all the legal obstacles standing between the two and freedom. In a perhaps parallel development, the BNP and Jamaat Islami Secretaries General were allowed to meet with Begum Zia in prison August 28 and subsequently announced their willingness to participate in a dialogue with the CTG following Khaleda and Tarique's release. Meanwhile, the Election Commission has changed course and invited the loyalist BNP faction to participate in the next round of dialogue on party registration. These developments all but eliminate the government's leverage in negotiations with the BNP and could make it impossible to keep the violent and corrupt Tarique out of a future role in politics.

Activist High Court Bench Overshadows Negotiations  
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¶2. (C) Even as negotiations between Bangladesh's Caretaker Government and former Prime Minister Begum Khaleda Zia continued this past week, a High Court Bench took matters into its own hands by granting bail to Zia's son Tarique Rahman in all thirteen pending cases. The High Court Bench is led by Justice Sharif Uddin Chakladar, a former Assistant Attorney General during the 1991 - 1996 BNP Government who was appointed to the Bench by Khaleda Zia. This particular bench has granted bail to over a score of those locked up by the CTG on corruption charges. During a conversation with the Ambassador August 28, Attorney General Salahuddin complained about Chakladar's obvious partisanship. He also noted that the Supreme Court's Appellate Division, under newly appointed Chief Justice Ruhul Amin, has decided to uphold the High Court bail decisions as a matter of principle. As a result, all legal obstacles standing in the way of Tarique's release appear to have been removed. This weakens the CTG's negotiators, who had proposed that Tarique Rahman would only be released on parole with strict conditions on his freedom including a bar on his participation in politics for the foreseeable future. Now,

all that stands in the way of Tarique's release is the processing of his bail bonds.

BNP and Jamaat Secretaries General Meet Begum Zia

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¶3. (C) In a surprising development, BNP Secretary General Khondker Delwar Hossain and Jamaat Islami Secretary General Ali Ahsan Muhammad Mojahid were allowed to meet with Begum Zia at the sub-jail August 28. The meeting, which lasted three hours, was Zia's first opportunity to meet in private with the leaders of her party and its principal political ally. After the meeting, Delwar told reporters that "BNP along with its alliance partners will sit in government-sponsored dialogue, and take part in parliamentary polls if Khaleda Zia is released and Tarique is allowed to have treatment abroad." Delwar emphasized that the BNP is an "election oriented party. It has participated in all elections in the past, and it wants to take part in the next elections too." Mojahid declined to speak to the press, but his participation in the meeting sent a clear signal regarding the strength of the Jamaat-BNP Alliance. (Note: We are meeting with Delwar late August 29 and will report details of his conversation with Zia septel.)

Election Commission Invites BNP to Dialogue

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¶4. (C) At the same time, Chief Election Commissioner A.T.M. Shamsul Huda announced that the Election Commission will hold meetings with political parties between September 6 - 9 to discuss concerns about the recently announced party registration process. According to the Representation of the People's Ordinance (details septel), political parties must

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register by October 15 in order to participate in the upcoming parliamentary polls. In recent days, the parties have said that they would not be able to meet this deadline. Significantly, Huda told the press that the EC would invite the loyalist BNP faction to participate in the upcoming round of dialogue. During the last round of EC-led dialogues, the leader of the BNP's reformist faction had been invited to participate in talks, which excluded the loyalist faction. This turn around is a recognition of the shifting fortunes of the BNP factions and a realization that the pro-Khaleda loyalists better represent the Party. Huda also made headlines earlier in the week when he said that elections without the BNP would not be credible.

Where are the CTG Advisers?

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¶5. (C) Curiously, as the negotiations with Zia and the drama in the court reach a climax, the CTG Advisers who have been leading the dialogue process all find themselves outside of Dhaka. Principal CTG negotiator Commerce Adviser Hossain Zillur Rahman is in Turkey for the opening of the Izmir International Fair, Communications Adviser Ghulam Quader is in Chittagong for the weekend, and Foreign Adviser Dr. Iftekhar Ahmed Chowdhury is in New Delhi for a BIMSTEC Ministerial meeting. While Law Adviser Hassan Ariff and Labor Adviser Anwarul Iqbal are in Dhaka, neither has been active during recent discussions with the BNP.

What does Hasina Do?

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¶6. (C) As Khaleda Zia and Tarique Rahman's release becomes more certain, there is increased pressure on Awami League leader Sheikh Hasina to return to Bangladesh. Since leaving Dhaka in early June, Hasina has spent her time in the U.S., Canada, and Europe and has been relatively quiet. While the August 4 municipal elections gave her party a temporary boost, the momentum has since shifted towards the BNP. There is a risk for Hasina that she will be seen as having hastily

cut a deal with the CTG while the court's decisions might well allow Zia to win her freedom without having to give much in return. Awami League officials tell us that Hasina may return before the end of September, in part to avoid ceding the initiative to her principal rival.

Comment  
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¶7. (C) The role played by partisan High Court judges demonstrates the difficulty faced by the Caretaker Government in overcoming the legacy of past political governments. It is likely that Tarique Rahman and Begum Zia will both be released from prison within the next week. At the same time, there is a risk that Tarique will get out of prison with his political future still intact. While this may lead to BNP participation in the December parliamentary elections, it well could leave open a role for Tarique in Bangladeshi politics. In light of Tarique's reputation for violence and corruption, such a development would make a mockery of the CTG's efforts to combat corruption and build a better democracy.

Moriarty